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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. |
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EXAMINER

WEBMAN, E

ART UNIT

PAPER NUMBER

1617

DATE MAILED:

05/25/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

08/083150

Applicant(s)

Boussouira

Examiner

WEBMAN

Group Art Unit

6617

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- ☒ Responsive to communication(s) filed on 2/22/00
- ☐ This action is FINAL.
- ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 1-49 is/are pending in the application.
- Of the above claim(s) 29-32, 36, 38-44 is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 1-28, 33-35, 37 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement.

Application Papers

- ☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☒ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been received.
- ☐ received in Application No. (Series Code/Serial Number) _____
- ☐ received in this national stage application from the International Bureau (PCT Rule 1.7.2(a)).

*Certified copies not received: _____

Attachment(s)

- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 1 ☐ Interview Summary, PTO-413
- ☒ Notice of Reference(s) Cited, PTO-892 ☐ Notice of Informal Patent Application, PTO-152
- ☒ Notice of Draftsperson's Patent Drawing Review, PTO-948 ☐ Other _____

Office Action Summary

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The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-23, 27, 28, 33-35, 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wolf et al. in view of Fanchon et al.

Wolf et al. teach an anti-acne composition comprising a carrier (Abstract). Protein and dendritic polymers are specified (column 2 lines 38-42, column 3 lines 39-40). Emulsions are specified (column 4 lines 42-44). Titanium oxide is specified (column 6 line 34). Stearic acid and Jojoba oil are disclosed column (5 line 53 and column 6 line 50).

Fanchon et al. teach anti-acne compositions containing antioxidants and nanopigments as active agents (title, Abstract, column 7 lines 7-9, 11, 13, 29-30).

It would have been obvious to one of ordinary skill to add an antioxidant and nanopigments to the composition of Wolf et al. To achieve the beneficial effect of additional anti-acne actives in view of Fanchon et al.

Claims 24-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wolf et al. in view of Fanchon et al. as applied to claims 1-23, 27, 28, 33-35, 37 above, and further in view of Garrison et al.

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Garrison et al. teach the chelator EDTA in anti-acne compositions to sequest^e or discoloration-causing metal ions. (Column 4-lines 3-4)

It would have been obvious to one of ordinary skill to add a EDTA to the composition of Wolf et al.

For the beneficial effect of preventing discoloration in view of Garrison et al.

Applicant's election with traverse of Group I, polyalkylene polyamines an^l emulsions in Paper No. 7 is acknowledged. The traversal is on the ground(s) that the process is limited to the composition claimed and there is no serious burden. This is not found persuasive because the process as claimed are directed to the step(s) of using, not the composition. Serious burden has been shown by the differing classification of the groups.

The requirement is still deemed proper and is therefore made FINAL.

No claims allowed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edward J. Webman, whose telephone number is (703) 308-4432.

The examiner can normally be reached on M-F from 9:00 a.m. to 5:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, M. Moezie, can be reached on (703) 308-0570. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-3592.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1235.

E. Webman:jmr

May 15, 2000

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EDWARD J. WEBMAN
PRIMARY EXAMINER
GROUP 1500